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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/780,682	02/08/2001	Do-Young Lee	000939072310	8252

20350 7590 07/28/2005

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EXAMINER

VIEAUX, GARY

ART UNIT	PAPER NUMBER
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2612

DATE MAILED: 07/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No. 09/780,682	Applicant(s) LEE, DO-YOUNG	
Examiner Gary C. Vieaux	Art Unit 2612	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 05 July 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☒ Newly proposed or amended claim(s) 4-10 and 14 would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: 4-10 and 14.
Claim(s) objected to: 13.
Claim(s) rejected: 1-3 and 11.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
13. ☐ Other: _____.

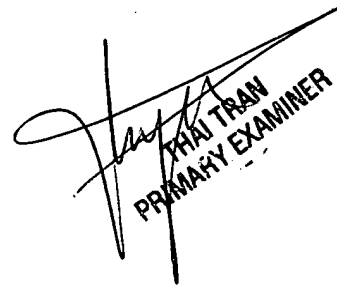
Continuation of 11. does NOT place the application in condition for allowance because:

Regarding claim 1, Applicant submits that the Sakurai reference fails to disclose a source follower coupled between the floating sense node and an output of the CMOS pixel (Remarks, p. 6 lines 4-5.) Applicant's asserts that the positioning of transistor MS14 between the floating sense node and the output line prevents transistor MS13, and the thus the source follower in its entirety, from being coupled between the floating sense node and the output line (Remarks, p. 6 lines 1-4.) Claim 1, as currently written, is read to comprise "a source follower coupled between the floating sense node and an output of the CMOS pixel, the source follower controlled by a select signal." Figure 1 of the Sakurai reference discloses indicators MS13 and MS14 serving the function of a source follower, with the source follower being controlled by a select signal, Φ SEL. The source follower, MS13 and MS14, is clearly coupled between the floating sense node and the output line. However, claim 1, as currently written, does not call for the source follower to be coupled between the floating sense node and an output line in its entirety, as argued by Applicant (emphasis added), and therefore, the Examiner stands behind the 102(e) rejection to claim 1 as presented.

Regarding claims 4-10 and 14, the amended independent claims 4 and 6, and claims 5, 7-10 and 14 that respectively dependent therefrom, would now be in condition for allowance if submitted in a separate, timely filed amendment cancelling the non-allowable claims based on amended limitations having been included in the independent form; limitations that were not found to be taught or at least fairly suggested in the prior art.

Regarding claim 13, the claim is objected to as being dependent upon a claim that has been cancelled.

Regarding Inventorship, Applicant is correct regarding declaration requirements for provisional applications. However, any inconsistencies within the written record raises questions regarding error and/or omission; error and/or omission which requires due diligence in the correction and/or clarification. Applicant, by way of the undersigned attorney, have submitted that Oh-Bong Kwon was incorrectly listed as an applicant for inventorship in the provisional application, that Do-Young Lee was the sole inventor, and that Oh-Bong Kwon was not involved in any inventive aspect of the invention as claimed; claims which the Examiner notes were identical to those presented in the non-provisional application.


PHAI TRAN
PRIMARY EXAMINER